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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,895	10/30/2003	Marc S Carter	GB920020077US1	9228
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IBM CORP (YA)				
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DALLAS, TX 75380				
EXAMINER				
HO, BINH VAN				
ART UNIT		PAPER NUMBER		
2163				
NOTIFICATION DATE		DELIVERY MODE		
06/02/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeciipaw.com

Office Action Summary

Application No.

10/697,895

Applicant(s)

CARTER ET AL.

Examiner

BINH V. HO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/30/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is a response to amendment filed 01/22/2008.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12, 14-21, 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClendon (US 6,625,619) in view of Maze (U.S. 2006/0090066).
(Claims 1, 16, 24, and 26)

McClendon discloses a method for managing data organisation for computer programs, the method including the steps of: accessing storage associated with a computer program to obtain an application taxonomy, the application taxonomy comprising information defining an organisation of stored data items of the program; comparing the reference taxonomy with the application taxonomy to identify matching and non-matching features of the compared taxonomies (col. 2, lines 35-44; col. 4, lines 3-16; col. 6, lines 50-57); and in response to a selection of a preferred taxonomy based on a result of the comparison, storing the preferred taxonomy as a replacement of at least one of the reference taxonomy and the application taxonomy (col. 3, line 7; col. 3, lines 55 to col. 4, lines 16), except generating and storing a reference taxonomy, the reference taxonomy comprising information defining a user preference for data

organisation. Maze teaches in figure 8, a user creates a taxonomy to the user's liking at step 800. The user taxonomy is stored in user taxonomy table 12a. The taxonomy is free-form (paragraph [0068]-[0070]). It would have been obvious at the time of the invention was made for one person of the ordinary skill in the art to modify the disclosure of Maze to organized and presented as a linked list presenting a tree structure as will be familiar to those who use Microsoft WINDOWS.RTM. software such as the file manager interface.

(Claims 2 and 3)

McClendon discloses wherein the step of storing the preferred taxonomy in response to a selection of the preferred taxonomy includes generating a modified reference taxonomy which aggregates features of the compared reference taxonomy and features of the compared application taxonomy, wherein an identified matching feature of the compared reference and application taxonomies is represented as a single node in the modified reference taxonomy (col. 2, lines 35-44; col. 4, lines 3-16).

(Claims 4-5)

McClendon discloses wherein the step of storing a preferred taxonomy in response to a selection of the preferred taxonomy includes generating a modified application taxonomy which includes features of the compared reference taxonomy (claim 7).

(Claims 6, 12)

McClendon discloses in figures 1, and 3, wherein the step of generating a reference taxonomy includes: accessing storage associated with a second computer program to obtain an application taxonomy for the second program (col. 4, lines 9-16).

(Claim 7)

McClendon discloses wherein a step of accessing storage to obtain an application taxonomy includes using an adapter which interfaces to the respective computer program to access information relating to [[the]] names of and relationships between stored data structures (Abstract, col. 2, lines 41-44, col. 4, lines 8-24).

(Claims 8, 14-15, 18-21, 25)

McClendon discloses in figure 1, wherein the step of generating a reference taxonomy includes receiving user inputs via a graphical user interface; and interpreting user inputs to generate nodes representing data structures of a taxonomy and to generate information representing relationships between data structures (col. 3, lines 8-25; col. 4, lines 3-16; col. 19, lines 54 to col. 20, line 8, claim 30).

(Claims 9-11)

McClendon discloses wherein the step of comparing includes comparing, using string matching, qualified node names for nodes of the reference taxonomy and nodes,

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corresponding to data structures, of the application taxonomy (col. 3, lines 16-25; col. 4, lines 3-16; claim 28).

(Claim 17)

McClendon discloses including a plurality of adapters, wherein each adapter enables accessing of storage associated with a computer program of a respective type and obtaining the application taxonomy for the computer program of the respective type (col. 2, lines 35-44; col. 3, line 7; col. 3, line 55 to col. 4, line 9).

4. Claims 13, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClendon (US 6,625,619) in view of Maze (U.S. 2006/0090066) in further view of Spring (U.S. 7,181,468).

(Claims 13, 22)

McClendon and Maze discloses substantially all of the elements, except the step of sending at least part of the reference taxonomy is performed by a distributed publish/subscribe messaging system. Spring teaches a producer on a publishing team to manage Taxonomies and editorial content of various types for CORE-based websites (col. 7, line 55 to col. 8, line 12; col. 12, line 51 to col. 13, line 2; col. 17, lines 29-36;). It would have been obvious to one having ordinary skill in the art at the time the invention was made to send at least part of taxonomy by distribute publish-subscribe, because from the user's point of view, the media items are presented for selection and manipulation by the user so as to appear to be stored in a hierarchical

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file system, while the actual organization of media items and data is hidden from the user.

(Claim 23)

McClendon and Maze discloses substantially all of the elements, except including a listener component for identifying receipt of reference taxonomy information and triggering the taxonomy manager to process such received taxonomy information (col. 3, lines 30-35).

Conclusion

5. Applicant's amendment necessitated the new ground of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Inquiry

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh V. Ho whose telephone number is 571 272 8583. The examiner can normally be reached on M-F from 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on 571 272 1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Binh V Ho
Examiner
Art Unit 2163

/don wong/
Supervisory Patent Examiner, Art Unit 2163